

Remarks

Claims 1-38 are cancelled. New claims 39-42 are added. Claims 40-42 are re-presented forms of claims 7-9, and 12. Claims 34-35 support the use of tazarotene as the carboxylic acid ester in claim 39 and the specification, p. 8 line 20, supports putting the carboxylic acid ester into the particles.

Claim Rejections-35 USC 103

Most of the rejections applied to the claims as they now stand are now moot. Applicants respectfully submit that no *prima facie* case of obviousness has been made for the claims as they now stand. To make a *prima facie* case of obviousness, Examiner must show, *inter alia*, that the prior art reference (or references when combined) teaches or suggests all the claim limitations. MPEP 2142.

In making its rejection of the use of tazarotene as the carboxylic acid or ester thereof, the Office did not show how the cited references teach or suggest incorporation of tazarotene into the multiplicity of solid particles. The Examiner alleges that “Sefton [US 6,262,117] teaches suspension of an active agent into microparticles (solid particles) is preferable.” However, that is an overbroad characterization of what Sefton teaches. What Sefton says is “benzoyl peroxide...may be suspended preferably in the form of microparticles.” Assuming without admitting that the prior art suggest that tazarotene could be substituted for azelaic acid, the tazarotene would still not be incorporated into the particles. Thus, no prior art teaches or suggests incorporation of tazarotene into the multiplicity of solid particles.

In light of the arguments and amendments made herein, Applicants request that Examiner remove the rejections and allow the claims to issue.

Please use Deposit Account 01-0885 for extension of time fees or any other fees or credits relating to this response.

Respectfully submitted,

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/Brent A. Johnson/
Brent A. Johnson
Registration No. 51,851
Agent of Record
Telephone: 714/246-4348
Telecopier: 714/246-4249

Please address all correspondence and inquiries to:

Brent A. Johnson (T2-7H)
Allergan, Inc.
2525 Dupont Drive
Irvine, CA 92612
Tel: 714.246.4348
Fax: 714.246.4249